REMARKS

Claims 22-42 are pending and under current examination. Applicant has amended claims 22 and 32, as indicated above, and notes that support for these amendments may be found in the specification at, for example, p. 8, ll. 19-24.

In the Final Office Action, the Examiner rejected claims 22-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0060542 A1 ("Risan").

Rejection of claims 22-42 under 35 U.S.C. § 102(e) over Risan

Applicant requests reconsideration and withdrawal of the rejection of claims 22-42 under 35 U.S.C. § 102(e) as being anticipated by Risan.

To establish anticipation under 35 U.S.C. § 102, the Office Action must show that each and every element as set forth in the claim is found, either expressly or inherently described, in Risan. *See* M.P.E.P. § 2131. Risan, however, does not disclose each and every element of Applicant's claims.

Specifically, Risan does not disclose or suggest at least "calculating, using the user modeling server, predictions associated with a user preference based on the function," as recited in independent claim 22, and similarly recited in independent claim 32 (emphasis added).

The Final Office Action repeats an earlier allegation that Figures 2-4 and ¶¶ [0059]-[0062], [0065]-[0068], and [0089]-[0092] of Risan disclose "generating a prediction about preferences of a user in a specific domain ...." Final Office Action, p. 4. Applicant respectfully disagrees, noting instead that the cited portions of Risan disclose a broadcast license recognized by the Digital Millennium Copyright Act (DMCA) and an associated copyright compliance mechanism. *See* Risan ¶¶ [0059]-[0062], [0065]-[0068], and [0089]-[0092]. Neither

the cited portions, nor <u>Risan</u> as whole, make any mention or suggestion of a <u>prediction</u> or specifically using a prediction to prevent unauthorized distribution of media content within a global network. Therefore, <u>Risan</u> does not disclose "calculating, using the user modeling server, <u>predictions</u> associated with a user preference based on the function," as recited in independent claim 22, and similarly recited in independent claim 32 (emphasis added).

Since <u>Risan</u> does not disclose each and every element of independent claims 22 and 32, <u>Risan</u> does not anticipate claims 22 and 32 under 35 U.S.C. § 102(e). Therefore, claims 22 and 32 should be allowable over <u>Risan</u>. Dependent claims 23-31 and 33-42 should also be allowable at least due to their respective dependence from base claim 22 or 32, and because they recite additional features not taught or suggested by <u>Risan</u>. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 22-42 under 35 U.S.C. § 102(e).

Conclusion

Applicant respectfully requests reconsideration of this application and withdrawal of the rejection. Pending claims 22-42 are in condition for allowance, and Applicant requests a favorable action.

The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Final Office Action.
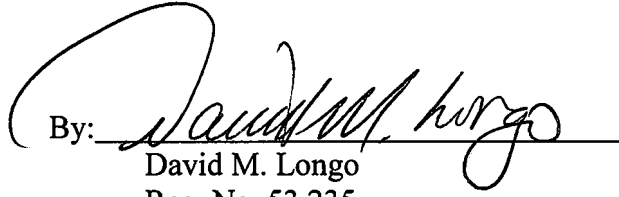
If there are any remaining issues or misunderstandings, Applicant requests that the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any

additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 23, 2010   By:_____

David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/